

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AUTOSCRIBE CORPORATION

Plaintiff

v.

M&A VENTURES, LLC

Defendant.

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Case No. 1:24-cv-04282-SCJ

JURY TRIAL DEMANDED

**M&A VENTURES LLC’S UNOPPOSED MOTION FOR ADDITION OF
SUPPLEMENTAL MATERIALS**

Defendant M&A Ventures, LLC (“M&A”) hereby submits its Unopposed Motion for Addition of Supplemental Materials. M&A includes the Supplemental Materials in response to the Responsive Claim Construction Brief filed by Plaintiff Autoscribe Corporation (“Autoscribe”) (Dkt. 141) and its evidence.

In its Responsive Claim Construction Brief, Autoscribe cited to Exhibit O, an article from plaid.com, the website of a financial services provider, which describes the basics of Automated Clearing House (ACH) fund transfers. Autoscribe relies on this evidence to support its argument that M&A’s construction of the term “forward[ing] at least a portion of the [second] payment amount” as “forward[ing] at least a portion of the money required for the [second] payment” would exclude the ‘621 patent’s disclosed embodiment for processing ACH payments. Under

Autoscribe’s theory, the patent cannot require the secure server’s software to forward at least a portion of the funds required for payment because the funds must flow through an automated clearing house. M&A, however, contends that Exhibit O is incomplete and misleading because it does not explain the different ways that third-party payment processors who provide the claimed secure servers could be involved with ACH transactions.

To remedy what M&A contends is the incomplete nature of the evidence, M&A identifies the following supplemental authority:

- **Exhibit M**, <https://tsgpayments.com/what-is-a-payment-facilitator-payfac/>
- **Exhibit N**, <https://www.moderntreasury.com/journal/the-difference-between-a-third-party-sender-and-a-third-party-service-provider-in-payments>
- **Exhibit O**, <https://www.paymentsdive.com/news/fiserv-may-grab-competitive-edge-with-new-bank-charter/730330/>
- **Exhibit P**, transcript of “What is a Third Party Sender” by Nacha (<https://www.youtube.com/watch?v=5wzW3KaTmLg>)

M&A contends that this evidence demonstrates that third-party payment processors can organize their business in several ways which may require the payment processor to “obtain” and “forward” funds, as described below:

- First, a payment processor could use the payment facilitator (“PayFac”)

model, which is a regulatory designation for payment processors like Stripe, Square, and Toast that use their own merchant IDs to process payments and then distribute payments to its customers directly. Ex. M.

- Second, a payment processor could obtain its own bank charter as a merchant acquirer limited purpose bank to process transactions without needed a partner bank to do so. Ex. O.
- Third, a payment processor could become designated as a “Third-Party Sender” under the National Automated Clearing House Association rules. Third-Party Senders “directly facilitate [ACH] transactions—meaning dollars flow through their bank account.” Ex. N (modern treasury); Ex. P (nacha video transcript) (“When a third-party service provider has an agreement with its own financial institution and uses its own bank account to process and settle its client’s electronic payments the third-party service provider is also known as a third-party sender.”)

With the full understanding of ACH payment processing as set forth in this additional evidence, M&A contends that its proposed construction does not read ACH transactions out of the claims (as argued by Autoscribe) and submits that the Court should adopt M&A’s proposed construction for the term “forward[ing] at least a portion of the [second] payment amount.”

Dated: February 27, 2025

/s/ Marron E. Frith

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record was served this Notice of Service via the Court's ECF system on February 27, 2025.

/s/ Marron E. Frith
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